

28101

EXECUTIVE ORDER 11652

Section 5.

(B) Exemptions from General Declassification Schedule. Certain classified information or material may warrant some degree of protection for a period exceeding that provided in the General Declassification Schedule. An official authorized to originally classify information or material "Top Secret" may exempt from the General Declassification Schedule any level of classified information or material originated by him or under his supervision if it falls within one of the categories described below. In each case such official shall specify in writing on the material the exemption category being claimed and, unless impossible, a date or event for automatic declassification. The use of the exemption authority shall be kept to the absolute minimum consistent with national security requirements and shall be restricted to the following categories:

- (1) Classified information or material furnished by foreign governments or international organizations and held by the United States on the understanding that it be kept in confidence.
- (2) Classified information or material specifically covered by statute, or pertaining to cryptography, or disclosing intelligence sources or methods.
- (3) Classified information or material disclosing a system, plan, installation, project or specific foreign relations matter the continuing protection of which is essential to the national security.
- (4) Classified information or material the disclosure of which would place a person in immediate jeopardy.

FREEDOM OF INFORMATION ACT

(1) Exemption (b) (1)

(a) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (b) are in fact properly classified pursuant to such Executive order.

(2) Exemption (b) (2)

related solely to the internal personnel rules and practices of an agency.

(3) Exemption (b) (3)

specifically exempted from disclosure by statute.

(4) Exemption (b) (4)

trade secrets and commercial or financial information obtained from a person and privileged or confidential.

(5) Exemption (b) (5)

inter-agency or intra-agency memorandums or letters that would not be available by law to a party other than an agency in litigation with the agency.

(6) Exemption (b) (6)

personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(7) Exemption (b) (7)

investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (a) interfere with enforcement proceedings, (b) deprive a person of a right to a fair trial or an impartial adjudication, (c) constitute an unwarranted invasion of personal privacy, (d) disclose

the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (e) disclose investigative techniques and procedures, or (f) endanger the life or physical safety of law enforcement personnel.

Exemption (b)(7) was extensively revised by the 1974 amendments and will be the subject of additional guidance at an early date.

(8) Exemption (b)(8)

contained in or related to examination, operating or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions.

(9) Exemption (b)(9)

geological and geophysical information and data, including maps, concerning wells.